

03-MJ-00458-CMP

Magistrate Judge Mary Alice Theiler

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AT SEATTLE
 CLERK U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY EVANS JACKSON,

Defendant.

MAGISTRATE'S DOCKET

NO. 03-~~519~~M

458

AMENDED

COMPLAINT for VIOLATION
 of Title 18, United States Code,
 Sections 2423(c) and (f) and 2426(a)

BEFORE MARY ALICE THEILER, United States Magistrate Judge,
 United States Courthouse, 1010 Fifth Avenue, Seattle, Washington.

COUNT I**(Travel in Foreign Commerce and Engaging in Illicit Sexual Conduct with Minors)**

On dates uncertain but from in or about January 2002, and continuing until on or about September 1, 2003, within the Western District of Washington and elsewhere, GARY EVANS JACKSON, a citizen of the United States, having previously been convicted of Indecent Liberties in violation of RCW 9A.44.100, a Class B felony, in the Superior Court of the State of Washington for King County, Cause No. 80-1-03526-2, on or about January 5, 1981, did travel in foreign commerce, that is, from the United States to Cambodia, and engage in illicit sexual conduct as defined in Title 18, United States Code, Section 2423(f), with John Doe 1 (age 10), in that, JACKSON did engage in oral sex with John Doe 1.

1 All in violation of Title 18, United States Code, Sections 2423(c) and (f) and
2 2426(a).

3 **COUNT II**

4 **(Travel in Foreign Commerce and Engaging in Illicit Sexual Conduct with Minors)**

5 On dates uncertain but from in or about January 2002, and continuing until on or
6 about September 1, 2003, within the Western District of Washington and elsewhere,
7 GARY EVANS JACKSON, a citizen of the United States, having previously been
8 convicted of Indecent Liberties in violation of RCW 9A.44.100, a Class B felony, in the
9 Superior Court of the State of Washington for King County, Cause No. 80-1-03526-2, on
10 or about January 5, 1981, did travel in foreign commerce, that is, from the United States
11 to Cambodia, and engage in illicit sexual conduct as defined in Title 18, United States
12 Code, Section 2423(f), with John Doe 2
13 (age 14-15), in that, JACKSON did engage in oral sex with John Doe 2.

14 All in violation of Title 18, United States Code, Sections 2423(c) and (f) and
15 2426(a).

16 **COUNT III**

17 **(Travel in Foreign Commerce and Engaging in Illicit Sexual Conduct with Minors)**

18 On dates uncertain but from in or about January 2002, and continuing until on or
19 about September 1, 2003, within the Western District of Washington and elsewhere,
20 GARY EVANS JACKSON, a citizen of the United States, having previously been
21 convicted of Indecent Liberties in violation of RCW 9A.44.100, a Class B felony, in the
22 Superior Court of the State of Washington for King County, Cause No. 80-1-03526-2, on
23 or about January 5, 1981, did travel in foreign commerce, that is, from the United States
24 to Cambodia, and engage in illicit sexual conduct as defined in Title 18, United States
25 Code, Section 2423(f), with John Doe 3
26 (age 14-15), in that, JACKSON did engage in oral sex with John Doe 3.

27 All in violation of Title 18, United States Code, Sections 2423(c) and (f) and
28 2426(a).

1 The undersigned complainant being duly sworn states:

2 **INTRODUCTION AND INVESTIGATION BACKGROUND**

3 1. I am a Special Agent with the Bureau of Immigration and Customs
4 Enforcement ("ICE"), formerly known as the United States Customs Service ("Customs").
5 I am currently assigned to the Seattle office. I have been employed with the
6 ICE/Customs, Office of Investigations from November 1998 to the present. I have
7 received training at the Federal Law Enforcement Training Center in Glynco, Georgia.
8 My experience as an ICE/Customs agent has included the investigation of cases involving
9 the use of computers and the Internet to commit violation of federal child exploitation
10 laws. I have received training and have had experience in investigation techniques, arrest
11 procedures, search warrant and arrest warrant applications, the execution of search and
12 seizure warrants, computer crimes, intellectual property and other white collar crimes, and
13 various other criminal laws and procedures. I am also responsible for the investigation of
14 crimes involving the sexual exploitation of minors. This Amended Complaint is based on
15 my own investigation and that of other law enforcement personnel including Deputy
16 Customs Attache ("DCA") Gary Phillips, who is stationed in Bangkok, Thailand, and who
17 is familiar with the events set forth in this affidavit which occurred in Phnom Penh,
18 Cambodia.

19 2. On August 10, 2003, DCA Phillips and Australian Federal Police ("AFP")
20 Agent Chris Cooper received a written report from a Phnom Penh, Cambodia,
21 non-government organization known as *Action pour les Enfants* ("APLE") that described
22 the sexual victimization of three Cambodian boys (aged 10, 14 or 15 and 14 or 15,
23 respectively) by an American male, later identified as GARY EVANS JACKSON.
24 According to an independent investigation conducted by APLE social workers, the
25 following events transpired:

26 a. On or about June 27, 2003, an APLE social worker known as "Seny"
27 observed an older white male talking to six young Cambodian boys near the riverfront.
28 According to DCA Phillips, this riverfront area in Phnom Pehn is well known as an area

1 where adults look for street children for the purpose of engaging in illicit sexual conduct
2 with them. These adults pay the children a few dollars in exchange for the sexual
3 conduct.

4 b. Seny took several photographs of the American male as he talked
5 and walked around with the boys. Seny followed the white male and the boys to the Pyco
6 Guesthouse. The Pyco Guesthouse, also known as the Necta Guesthouse, is a
7 well-known guesthouse that catered to foreigners and locals who wanted to engage in
8 sexual activity. Seny observed the white male enter the Pyco Guesthouse with three of
9 the boys.

10 c. After seeing the white male enter the guesthouse with the boys,
11 APLE representatives requested assistance from the Cambodian National Police ("CNP")
12 anti-trafficking unit. However, before the CNP arrived, Seny saw the three boys leave the
13 building. Two or three minutes later, Seny saw the white male leave the guesthouse.
14 Because the CNP arrived after the white male left the Pyco Guesthouse, the CNP was
15 unable to take any immediate enforcement action.

16 d. The CNP did interview John Doe 2 and John Doe 3, who had
17 accompanied JACKSON to the guesthouse, at police headquarters. During the police
18 interviews of the boys, two APLE social workers learned from John Doe 2 that he was 15
19 years old and that he went to the Pyco Guesthouse to have oral sex with JACKSON.
20 APLE social workers identified the other two boys who accompanied JACKSON as John
21 Doe 1, age 10, and John Doe 3, age 14 or 15.

22 e. While the APLE social workers and the CNP questioned the two
23 boys at the police headquarters, Seny followed JACKSON through the streets of Phnom
24 Penh. After JACKSON left the Pyco Guesthouse, Seny saw him walk to the Srun Web
25 Internet Cafe, located at House 102, Street 163, Phnom Penh, Cambodia, where
26 JACKSON used the Internet for approximately one hour.

27 f. Immediately after JACKSON left the Srun Web Internet Cafe,
28 JACKSON, with Seny following, walked to a market and to House No. 32, Street 39,

1 Phnom Penh, Cambodia. At one point, Seny, portraying himself as a beggar, approached
 2 JACKSON, asked him for his name and asked where he was from. JACKSON said that
 3 his name was "Gerry" and that he was from the United States.

4 g. Later that evening, APLE social workers located one of the victims
 5 (John Doe 3) near the riverfront and asked him what had happened earlier in the day at
 6 the Pyco Guesthouse. John Doe 3 explained that the CNP caught him and John Doe 2,
 7 and took them to the police station for interviews. John Doe 3 stated that he and two
 8 other boys went to a guesthouse with a male of foreign descent, and received \$20 from
 9 the foreigner in exchange for sex.

10 CNP INTERVIEW WITH JOHN DOE 1

11 3. During his interview with the CNP, John Doe 1 told the CNP officers that
 12 in or about July 2003, a foreigner sexually abused him. In his report, DCA Phillips
 13 provided the following basic translation of the police report relating to this incident.

14 4. John Doe 1 stated that he was walking along the riverfront area in Phnom
 15 Penh when two other boys, John Doe 2 and John Doe 3, asked him if he wanted to "sleep"
 16 with a foreigner. John Doe 1 agreed and waited for the foreigner near the Internet cafe
 17 next to the Ponluk restaurant.

18 5. The foreigner left the Internet cafe and took the three boys to a guesthouse,
 19 later identified as the Pyco Guesthouse. Once they entered the room, the foreigner asked
 20 the boys to take a "bath" together. After bathing with the boys in the shower, the
 21 foreigner left the shower and lay naked on the bed. The foreigner first asked John Doe 3
 22 to hold and suck his penis. John Doe 3 complied. Afterwards, John Doe 1 and John
 23 Doe 2 both held and sucked the foreigner's penis. However, the foreigner was unable to
 24 ejaculate. The foreigner then masturbated until he ejaculated. Afterwards, the foreigner
 25 gave all three boys a total of \$20 for their services.

26 DCA PHILLIPS'S FIRST INTERVIEW WITH JOHN DOE 1

27 6. On August 15, 2003, DCA Phillips, AFP Cooper, AFP Phek, CNP Sokha
 28 Seng, and APLE social worker Caum Ly Seng videotaped separate interviews with two of

1 the boys believed to have been sexually abused by JACKSON. The first boy interviewed
2 was John Doe 1. John Doe 1 is a Cambodian male, 10 years old, approximately 3' 11"
3 tall, 45 pounds in weight, with brown hair and eyes. John Doe 1 is a beggar.

4 7. The interviewers asked John Doe 1 if he ever went to a guesthouse with a
5 foreigner. According to John Doe 1, several weeks prior to the interview, he and two
6 other boys went to a guesthouse with an American man. He described the American man
7 as fat, short, with short white hair, a beard and mustache, and tattoos on his leg. John
8 Doe 1 also recalled that the man carried a hat.

9 8. When DCA Phillips showed John Doe 1 a surveillance photograph of
10 JACKSON, John Doe 1 identified and confirmed that JACKSON was the man with
11 whom he had sex at the guesthouse. John Doe 1 also stated that JACKSON was the same
12 man whom he described to the police earlier as the foreigner he met at the Internet cafe.
13 The following is John Doe 1's recollection of his encounter with JACKSON:

14 a. In or about June or July 2003, John Doe 1's friend, John Doe 2, was
15 selling newspapers and polishing shoes at an Internet cafe near the riverfront in Phnom
16 Penh. While in the Internet cafe, John Doe 2 met JACKSON and, in broken English,
17 agreed to go to a guesthouse with JACKSON. When John Doe 2 left the Internet cafe, he
18 asked John Doe 1 if he wanted to make some money by going with JACKSON. When
19 JACKSON exited the cafe, he learned that John Doe 1, John Doe 2, and John Doe 3
20 would be joining him. All three boys and JACKSON went to a guesthouse (later
21 identified as the Pyco Guesthouse). John Doe 1 stated that he knew that all three boys
22 were going to the guesthouse to have oral sex with JACKSON.

23 b. John Doe 1 also stated that his younger brother, John Doe 4 (age 8),
24 walked with the boys and JACKSON to the guesthouse. Although JACKSON wanted
25 John Doe 4 to join the boys in having sex with him, both John Doe 4 and John Doe 1
26 refused JACKSON'S request.

27 c. Once at the guesthouse, a man with a shaved head escorted the three
28 boys and JACKSON to a room. Upon entering the room, JACKSON instructed the boys

1 to take off their clothes and to shower with him. JACKSON entered the shower and
2 touched the boys' penises and used soap to clean the boys' bodies. While in the shower,
3 JACKSON performed oral sex on each of the boys.

4 d. After JACKSON left the shower, he instructed the boys to lie down
5 on the bed and to stroke and suck his penis. After the boys complied, JACKSON stroked
6 and sucked each of the boys' penises. Because JACKSON was unable to ejaculate, he
7 masturbated until he ejaculated. After he ejaculated, JACKSON smeared his ejaculate on
8 his hand and licked it. At no time did JACKSON use a condom.

9 e. After JACKSON had finished engaging in sexual conduct with the
10 boys, he gave them \$20 to split among themselves.

11 **DCA PHILLIPS'S FIRST INTERVIEW WITH JOHN DOE 3**

12 9. On August 15, 2003, DCA Phillips interviewed John Doe 3 concerning the
13 events of June 27, 2003, the date on which John Doe 3 was sexually exploited by an
14 American male. John Doe 3 is a Cambodian male, approximately 14 to 15 years old, 4' 4"
15 tall, 50-60 pounds in weight, brown/red hair and brown eyes. John Doe 3 earned money
16 through begging in the street and taking care of parked cars near the riverfront area in
17 Phnom Penh.

18 10. After the interviewers asked John Doe 3 if he ever spent any time with an
19 American, John Doe 3 responded that he and two other boys slept with an American, who
20 he described as short, with short white hair, a white beard and mustache, tattoos on his leg
21 and arm depicting a squid and seahorse, and glasses. John Doe 3 also recalled that the
22 man was about thirty years old, carried a bag filled with photographs, and was called
23 "Ta," which means "grandfather" in the Khmer language.

24 11. DCA Phillips asked if John Doe 3 could recognize a photograph of the man
25 with whom he had oral sex on or about June 27, 2003. John Doe 3 replied that he could,
26 and when shown a surveillance photograph of JACKSON, identified him as "Ta." John
27 Doe 3 also identified the other boys in the photograph as John Doe 1, John Doe 2, John
28

1 Doe 4, and another boy, John Doe 5. John Doe 3 said that he was not in the photograph
2 because he was out of the frame.

3 12. When asked how he met JACKSON, John Doe 3 stated that about two
4 months prior to the interview, he and John Doe 5 were taking a bath in a public water
5 fountain in front of the Royal Palace in Phnom Penh. JACKSON approached the boys
6 and asked if he could take their photographs. The boys agreed, and in return, JACKSON
7 offered to pay them \$1 for their photographs while they were taking a bath. John Doe 3
8 said that JACKSON took clothed and naked photographs of them. According to John
9 Doe 3, JACKSON took photographs of John Doe 5 and him approximately four or five
10 times before JACKSON had sex with him.

11 13. The following is John Doe 3's recollection of the events that transpired on
12 the day he met JACKSON:

13 a. On or about June 27, 2003, JACKSON met John Doe 2 (John
14 Doe 3's friend) while John Doe 2 was selling newspapers at a cafe near the riverfront.
15 John Doe 2 spoke to JACKSON in English in the cafe, and agreed to have sex with him.
16 When John Doe 2 left the cafe he told John Doe 3 that JACKSON wanted to sleep with
17 both of them. When John Doe 1, who also was present, asked if he could participate,
18 JACKSON agreed. Although John Doe 1's younger brother (John Doe 4) was also
19 present, he did not participate in the sexual activity. After JACKSON left the cafe, he
20 and the boys walked toward a guesthouse (later identified as the Pyco Guesthouse).

21 b. When JACKSON and the boys arrived at the guesthouse, a bald man
22 escorted them into a room at the top of the stairwell. After JACKSON, John Doe 1, John
23 Doe 2 and John Doe 3 entered the room, JACKSON, using John Doe 2 as an interpreter,
24 instructed the boys to take off their clothes. John Doe 3 recalled that JACKSON helped
25 take off John Doe 1 and John Doe 2's clothes. JACKSON then told the boys to take a
26 shower with him. Once in the shower, JACKSON touched both John Doe 1 and John
27 Doe 2's penises. After the shower, JACKSON instructed John Doe 1 and John Doe 2 to
28 lie on the bed. JACKSON also instructed John Doe 3 to videotape him having sex with

1 the boys. While on the bed, JACKSON instructed John Doe 1 to engage in sexual
2 activity. After John Doe 1 complied with JACKSON'S request, JACKSON performed
3 oral sex on John Doe 2. After JACKSON ejaculated, the boys left the guesthouse.

4 **DCA PHILLIPS'S SECOND INTERVIEW WITH JOHN DOE 3**

5 14. During a second interview on August 19, 2003, which was videotaped, John
6 Doe 3 provided additional details concerning some of his earlier statements:

7 a. When John Doe 3 was shown a surveillance photograph of
8 JACKSON, he immediately identified JACKSON as the person who sexually exploited
9 him, John Doe 1, and John Doe 2.

10 b. John Doe 3 stated that he met JACKSON several weeks ago when he
11 and John Doe 5 were taking a bath in the river. John Doe 3 corrected his earlier statement
12 that he was taking a bath in a fountain by the Royal Palace. John Doe 3 recalled that
13 JACKSON took photographs of John Doe 5 and him while they were naked and
14 swimming in the river. John Doe 3 also recalled that when JACKSON took photographs
15 of John Doe 5 and him, they asked him for money. In exchange for the photographs,
16 JACKSON paid the boys 5,000 Reil (about \$1.20). John Doe 3 estimated that he and
17 John Doe 5 participated in at least three photography sessions for JACKSON. John
18 Doe 3 believed that JACKSON had a digital camera and a 35 mm camera. JACKSON
19 showed John Doe 3 and John Doe 5 their photographs that he took and gave them two of
20 the developed photographs. John Doe 3 recalled that although the boys were naked, the
21 photographs only showed the tops of their heads. John Doe 3 stated that JACKSON gave
22 the other photographs of the boys to his friend.

23 c. John Doe 3 recalled going to a guesthouse with JACKSON, John
24 Doe 1 and John Doe 2. John Doe 3 described the guesthouse as an old three story
25 building near the royal speedboats. Upon arriving at the guesthouse, John Doe 3 recalled
26 that boys with shaved heads greeted them. Once at the guesthouse, JACKSON, John
27 Doe 1, John Doe 2, and John Doe 3 went to their room and got into the shower. John
28 Doe 3 said that while they were in the shower, JACKSON stroked John Doe 1 and John

1 Doe 2's penises. John Doe 3 stated that JACKSON only touched his chest while they
2 were in the shower. After getting out of the shower, John Doe 1 and John Doe 2 got onto
3 the bed with JACKSON. John Doe 3 then took photographs of JACKSON, John Doe 1
4 and John Doe 2 having oral sex until he ran out of film. John Doe 3 stated that as he was
5 taking photographs, JACKSON performed oral sex to John Doe 1. Later John Doe 2
6 stroked JACKSON'S penis. John Doe 3 clarified that the camera that was used was a
7 digital camera, rather than a video camera, as he stated during his first interview.

8 d. John Doe 3 estimated that JACKSON and the boys were in the
9 guesthouse for approximately twenty to thirty minutes.

10 **DCA PHILLIPS'S SECOND INTERVIEW WITH JOHN DOE 1**

11 15. On August 19, 2003, after concluding the second interview with John
12 Doe 3, DCA Phillips, AFP Phak, APLE representative Vannak and CNP Pisey,
13 videotaped a second interview with John Doe 1. John Doe 1 reaffirmed the statements he
14 made on August 15, 2003, and provided the following additional information to the
15 interviewers:

16 16. John Doe 1 recalled that JACKSON asked to sleep with him. John Doe 1
17 recalled that John Doe 2, John Doe 3, and he went to a guesthouse with JACKSON.
18 While they were inside the room at the guesthouse, JACKSON performed oral sex on the
19 boys in the shower. After showering, each of the boys performed oral sex on JACKSON.
20 In addition, JACKSON touched each of the boys' penises and their lower backs. John
21 Doe 1 recalled that JACKSON did not wear a condom and was unable to ejaculate until
22 he masturbated.

23 17. John Doe 1 recalled that while they were in the guesthouse room,
24 JACKSON showed the boys how to operate his camera and instructed them to take
25 photographs in the guesthouse room of the following acts:

26 a. John Doe 1 performing oral sex on JACKSON while John Doe 3
27 stroked JACKSON'S penis; and
28

1 b. John Doe 1 performing oral sex on JACKSON while John Doe 2
2 stroked JACKSON'S penis.

3 18. John Doe 1 recalled that JACKSON took photographs of all three boys
4 while they were lying on the bed naked. John Doe 1 believed that there were more than
5 twenty photographs taken while JACKSON and the boys were in the guesthouse. John
6 Doe 1 also recalled that JACKSON showed the boys the photographs after he finished
7 having sex with them.

8 19. John Doe 1 estimated that JACKSON and the boys were in the guesthouse
9 for approximately thirty minutes.

10 **DCA PHILLIPS'S INTERVIEW WITH JOHN DOE 2**

11 20. After the August 19, 2003, interviews were completed, Phillips, while
12 acting in an undercover capacity, entered the Toul Tompoung Cafe and observed
13 JACKSON sitting at a desk and using the Internet. Phillips described JACKSON as an
14 American male, approximately 55 years old, about 5' 7" tall, 150-180 pounds, white hair,
15 white goatee, wearing glasses, brights blue eyes, and having tattoos on his arms and wrist.
16 JACKSON was wearing a bright blue shirt. Phillips engaged JACKSON in conversation
17 and when Phillips asked JACKSON "where the action was in Phnom Pehn," JACKSON
18 asked if Phillips had been to the river and said that the river or Bangkok was where the
19 action was, depending on the kind of action a person was looking for.

20 After meeting with JACKSON, DCA Phillips returned to interview John Doe 2, with AFP
21 Phak, APLE representative Vannak and CNP Pisey. John Doe 2 is 14 or 15 years old and
22 was born in Kandal Province, Cambodia. He is a Khmer boy, about 4' 10" tall, 50-60
23 pounds in weight, with brown eyes and black hair. Until recently, John Doe 2 lived on the
24 streets near the Royal Palace, where he sold newspapers and begged for money.

25 21. John Doe 2 said that on one occasion he slept with a foreigner. He
26 described the foreigner as a man he called "Ta." He described "Ta" as a short American
27 man older than 40 years of age with short white hair, a white beard, glasses, Scorpion
28 tattoos on his arms. When John Doe 2 was shown a photograph of JACKSON, John

1 Doe 2 identified JACKSON as "Ta" -- the same man who sexually abused him, John
2 Doe 1, and John Doe 3. John Doe 2 also identified from a surveillance photograph the
3 following boys who accompanied JACKSON to a guesthouse: John Doe 1, John Doe 3,
4 John Doe 4, John Doe 5, and an unknown boy.

5 22. John Doe 2 said that he first met JACKSON at an Internet cafe near the
6 riverfront in Phnom Penh, Cambodia in May or June 2003. While in the Internet cafe,
7 John Doe 2 tried to sell JACKSON newspapers. JACKSON eventually asked John Doe 2
8 if he would sleep with him. Through broken English and gestures, John Doe 2 agreed to
9 go with JACKSON for the purposes of having oral sex. When John Doe 2 and
10 JACKSON left the Internet cafe, JACKSON asked John Doe 2 to select two boys to join
11 them to have oral sex at a guesthouse. John Doe 1 and John Doe 3 agreed to accompany
12 JACKSON to the guesthouse.

13 23. John Doe 2 said that JACKSON took them to the Necta Guesthouse, also
14 known as the Pyco Guesthouse, near the riverfront and next to the old market. John
15 Doe 2 also described the guesthouse as having a large Mango tree in front of it. John
16 Doe 2 said that JACKSON, John Doe 1, John Doe 3, and he entered the guesthouse while
17 the other three boys, John Doe 4, John Doe 5 and a disabled boy, waited outside.

18 24. John Doe 2 stated that as they entered the guesthouse, one or two young
19 Khmer males with short hair greeted them. The young males escorted JACKSON and the
20 boys to the second floor where they entered a room. John Doe 2 said that the guesthouse
21 representative unlocked the room with a key and gave it to JACKSON. JACKSON took
22 the key and entered the room with the boys.

23 25. Once they were in the room, JACKSON took his own clothes off and
24 helped remove John Doe 2's clothes. JACKSON then entered the shower and gestured to
25 all three boys to disrobe and join him in the shower. In the shower JACKSON,
26 performed oral sex on all three of the boys for approximately ten minutes. John Doe 2
27 said that JACKSON did not ask the boys to perform oral sex on him while they were in
28 the shower.

1 26. After JACKSON finished performing oral sex on the boys, they got out of
2 the shower and dried themselves off with a towel. While still standing, JACKSON
3 performed oral sex on the boys again. After JACKSON spent another ten minutes
4 performing oral sex on the boys, he requested that John Doe 1 and John Doe 3 stroke his
5 penis. According to John Doe 2, both boys complied with JACKSON'S request.

6 27. According to John Doe 2, when JACKSON finished performing oral sex on
7 the boys for the second time, he lay down on the bed and told each of the boys to sit on
8 him. While JACKSON reclined on his back, John Doe 2 walked over and got onto the
9 bed. JACKSON picked John Doe 2 up underneath his arms and sat him in a position
10 which allowed JACKSON to again perform oral sex on the boy. John Doe 2 stated that
11 he faced JACKSON during this sexual activity.

12 28. John Doe 2 said that JACKSON performed oral sex on him for
13 approximately fifteen minutes until John Doe 2 ejaculated in JACKSON'S mouth.
14 JACKSON swallowed John Doe 2's ejaculate, and then performed oral sex on John Doe 1
15 and John Doe 3 in the same fashion. John Doe 2 said he did not know if John Doe 1 or
16 John Doe 3 ejaculated while JACKSON was performing oral sex.

17 29. While JACKSON was performing oral sex with the boys, he instructed the
18 boys to take photographs of him with his camera. John Doe 2 believed that JACKSON'S
19 camera was a digital camera, and thought that it was similar to a digital camera shown to
20 him by DCA Phillips.

21 30. According to John Doe 2, all three boys had a working knowledge of how
22 to take photographs. John Doe 2 stated that all of the photographs depicted JACKSON
23 and the boys engaged in oral sex. John Doe 2 believes that he took approximately ten
24 photographs. He also recalled that JACKSON took approximately two or three
25 photographs of the boys while they were standing naked in front of the bed. However,
26 JACKSON did not ask the boys to touch each other or engage in any other type of sexual
27 activity among themselves.

1 31. John Doe 2 recalled that JACKSON, through hand gestures, instructed John
2 Doe 1 to stroke his penis. John Doe 1 complied with JACKSON'S request.

3 32. After JACKSON finished having sex with the boys, he paid them a total of
4 \$21 to split among themselves. After receiving payment, the boys got dressed and left the
5 guesthouse. John Doe 2 recalled that JACKSON left the guesthouse sometime after the
6 boys.

7 **CAMBODIAN NATIONAL POLICE: EXECUTION OF WARRANTS**

8 33. On or about September 1, 2003, the CNP executed a Cambodian search
9 warrant at the residence of JACKSON and his roommate. The CNP also executed an
10 arrest warrant for JACKSON for conducting debauchery in violation of Cambodian law.
11 The CNP seized several items, including a Toshiba laptop computer, a Sony VAIO laptop
12 computer, an Olympus Camedia digital camera, two flash memory cards, a SanDisk
13 ImageMate Flash Card reader, 167 computer compact disks, and five computer disks. A
14 number of the computer compact disks bore handwritten notes, including "Photo Album
15 #2," "Cambodia 02," "Jim's Pics," "Singapore Zoo 2002," and "6 pics print."
16 JACKSON's roommate told the CNP that JACKSON used the Toshiba laptop computer
17 most of the time because it had slots for the memory cards of his camera.

18 34. After the search, the CNP delivered all of the items seized during the search
19 to DCA Phillips for forensic analysis in the United States.

20 **INTERVIEW OF INTERNET CAFE EMPLOYEES**

21 35. On or about September 4, 2003, DCA Phillips, CA Mark Robinson, and
22 CNP officers interviewed Heng Borin and Heng Bora. Borin and Bora are both
23 employees of Toul Tom Pong Web Cafe, located at House No. 98 Eo, Street 163, Phnom
24 Penh, Cambodia. When the agents and officers showed Borin a surveillance photograph
25 of JACKSON, Borin immediately recognized JACKSON and said that JACKSON used
26 the computers at the cafe regularly. According to Borin, JACKSON had been a frequent
27 customer of Toul Tom Pong Web Cafe for approximately three or four months. Borin
28 recalled that when JACKSON visited the cafe, he usually stayed on the Internet for at

1 least one hour, and sometimes much longer. Both Borin and Bora recalled that
2 JACKSON routinely used the cafe's computers to visit pornographic Internet sites. Bora
3 explained to the agents that although he warned JACKSON not to access pornographic
4 sites, JACKSON continued to visit these sites.

5 36. Borin recalled that in or about July or August 2003, JACKSON left a green
6 floppy disk in the disk drive of one of the cafe's computers. Borin found the disk,
7 examined it, and discovered several photographs of naked Khmer boys, approximately six
8 to seven years of age. Another photograph on the green disk was of two Khmer boys,
9 approximately six years of age, standing naked, side by side, holding each other's penises.
10 Borin also stated that another photograph depicted the upper half of unknown adult male,
11 with a bare chest. Borin further recalled that another photograph depicted Khmer
12 children swimming in a river.

13 37. Borin explained that he did not have the green disk because JACKSON
14 came back to the cafe to retrieve it. Borin recalled that he returned the green disk to
15 JACKSON at JACKSON'S request. According to Borin, prior to leaving the Internet
16 café, JACKSON told him, "thanks for keeping it [the disk] safe."

17 **INTERVIEWS OF GARY EVANS JACKSON AND HIS ROOMMATE**

18 38. On or about September 1, 2003, the CNP and United States Embassy
19 Investigator Suos Vansak interviewed JACKSON. JACKSON stated that he is an
20 American citizen, currently retired and living in Cambodia. He also stated that he was a
21 convicted pedophile. JACKSON explained that he had been in Cambodia on three
22 separate occasions and that in November 2001, he and his present roommate began living
23 in Phnom Penh. JACKSON denied any misconduct with minors and stated that he had
24 never seen any of the boys described in this affidavit.

25 39. According to JACKSON's roommate, who was also interviewed on
26 September 1, 2003, by DCA Phillips and Investigator Vansak, he and JACKSON were
27 last in the United States from March 2001 until November 2001. According to
28 JACKSON'S roommate, he and JACKSON traveled together from Seattle to Bangkok,

1 Thailand, via Eva Air in November 2001, and remained in Thailand for two months
2 before settling in Cambodia in January 2002. JACKSON's roommate stated that he had
3 met JACKSON twenty years ago, that they had a sexual partnership for approximately ten
4 years, and that JACKSON had been arrested in Seattle approximately twenty years ago
5 for fondling the genitals of boys who were 10-17 years old. JACKSON's roommate also
6 stated that JACKSON stores photographs he takes in his camera, runs them through a
7 computer program entitled "Camedia" and "Zoombrowser," and that JACKSON
8 distributes photographs by e-mail on a floppy disk. JACKSON's roommate also
9 described a flash memory card that CNP officers found in JACKSON's camera case and
10 stated that JACKSON maintains e-mail contact with persons in the Puget Sound area and
11 sends photographs by e-mail of kids, dogs, family and scenery to friends in the United
12 States.

13 40. On September 2, 2003, JACKSON told DCA Phillips that he sent
14 photographs to his friends by e-mail.

15 **INTERVIEW OF THE OWNER OF THE PYCO GUESTHOUSE**

16 41. On or about September 2, 2003, the CNP interviewed the owner of the Pyco
17 Guesthouse. The CNP took the guesthouse owner to the police station and positively
18 identified JACKSON as a man who had rented a room on or about June 27, 2003. The
19 owner recognized JACKSON because of his tattoos and recalled that JACKSON rented a
20 room for about one hour and was accompanied by some young boys.

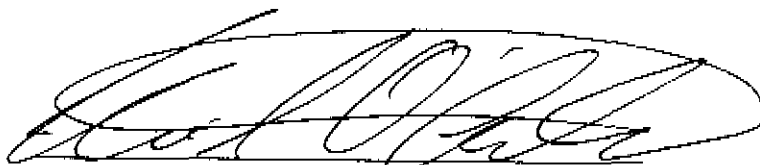
21 **JACKSON'S CITIZENSHIP AND CRIMINAL HISTORY**

22 42. On or about August 19, 2003, DCA Phillips, AFP Cooper, AFP Phak and
23 CNP Mom Pisey met with two APLE representatives who gave DCA Phillips and AFP
24 Cooper a copy of a United States passport bearing the name "Gary Evans Jackson," a date
25 of birth of July 28, 1947, a place of birth of Washington, and a passport expiration date of
26 March 2004. JACKSON'S Cambodian visa showed that he obtained the visa on
27 March 13, 2003. Visa stamps showed that JACKSON had traveled to Thailand via Klong
28 Yai on July 12, 2003, and departed from Thailand on July 19, 2003.

43. On or about August 19, 2003, computer checks revealed that JACKSON'S last known address was 5834 Ward Avenue, Bainbridge Island, Washington 98110. The computer check described JACKSON as a white male, blue eyes, 5' 7" tall, and 140 pounds. A criminal records check revealed that on or about January 5, 1981, JACKSON was convicted for Indecent Liberties in violation of RCW 9A.44.100, a Class B felony, in the Superior Court of the State of Washington for King County, Cause No. 80-1-03526-2.

FORENSIC ANALYSIS OF ITEMS SEIZED BY CNP

44. A partial forensic analysis of items seized pursuant to the Cambodian search warrant has been conducted in Seattle. I have reviewed a number of the images recovered from the flash memory cards that were with JACKSON'S digital camera. A number of the images which someone had attempted to delete from this flash card were recovered and correspond to the descriptions of illicit sexual conduct which the minor boys named in this affidavit have described and which were taken at the Pyco Guesthouse on or about June 27, 2003.



NEIL J. O'CALLAGHAN, Complainant
Special Agent,
Bureau of Immigration and Customs Enforcement

Amended Complaint and affidavit sworn to before me and subscribed in my presence, on this 17th day of November, 2003.



MARY ALICE THEILER
United States Magistrate Judge